

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.: 2007-1644-WQ-E   TCEQ ID: RN103099156   CASE NO.: 34760**  
**RESPONDENT NAME: City of Plano**

Page 1 of 2

<b>ORDER TYPE:</b>		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> City of Plano Collection System, located at the intersection of Independence Parkway and Plano Parkway, Plano, Collin County</p> <p><b>TYPE OF OPERATION:</b> Collection system</p> <p><b>SMALL BUSINESS:</b>    <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There are two additional pending enforcement actions regarding this facility location, Docket Nos. 2007-0889-WQ-E and 2007-1337-WQ-E.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on March 24, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>     <b>TCEQ Attorney/SEP Coordinator:</b> None     <b>TCEQ Enforcement Coordinator:</b> Ms. Cheryl Thompson, Enforcement Division, Enforcement Team 3, MC R-04, (817) 588-5886;     Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171     <b>Respondent:</b> Mr. Jimmy Foster, Director of Public Works, City of Plano, P.O. Box 860358, Plano, Texas 75086     Mr. Thomas H. Muehlenbeck, City Manager, City of Plano, P.O. Box 860358, Plano, Texas 75086     <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> August 10, 2007</p> <p><b>Date of NOV/NOE Relating to this Case:</b> September 30, 007 (NOE)</p> <p><b>Background Facts:</b> During a routine investigation, TCEQ staff documented a break in a temporary bypass line which caused a sewage discharge of approximately 750,000 to 1,000,000 gallons into Prairie Creek. Approximately 6,800 dead fish were documented.</p> <p><b>WATER</b></p> <p>Failed to prevent the unauthorized discharge of sewage into water in the state [TEX. WATER CODE § 26.121(a)(1)].</p>	<p><b>Total Assessed:</b> \$15,000</p> <p><b>Total Deferred:</b> \$0  <input type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$15,000</p> <p><b>Site Compliance History Classification</b>  <input checked="" type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p> <p><b>Findings Orders Justification:</b> Environmental receptors have been exposed to pollutants which exceed levels that are protective.</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that by August 13, 2007, Miller Pipeline (the City's contracted company) repaired the break in the bypass line, collected all of the dead fish, pumped the Renner Road pond, drained affected areas of Prairie Creek and pumped it into a collection system manhole. Additionally, Renner Road pond was filled with dechlorinated water and aerated.</p>

Additional ID No(s): N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision September 19, 2007

TCEQ

DATES	Assigned	1-Oct-2007	Screening	3-Oct-2007	EPA Due	
	PCW	14-Oct-2007				

## RESPONDENT/FACILITY INFORMATION

Respondent	City of Plano		
Reg. Ent. Ref. No.	RN103099156		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

## CASE INFORMATION

Enf./Case ID No.	34760	No. of Violations	1
Docket No.	2007-1644-WQ-E	Order Type	Findings
Media Program(s)	Water Quality	Enf. Coordinator	Cheryl Thompson
Multi-Media		EC's Team	EnforcementTeam 3
Admin. Penalty \$	Limit Minimum	\$0	Maximum
		\$10,000	

## Penalty Calculation Section

### TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History  Enhancement Subtotals 2, 3, & 7 

Notes

No previous compliance history.

### Culpability

 EnhancementSubtotal 4 

Notes

The Respondent does not meet the culpability criteria.

### Good Faith Effort to Comply

 ReductionSubtotal 5 

Before NOV

NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

☒

(mark with x)

Notes

The Respondent returned to compliance on August 13, 2007.

 Enhancement\*Subtotal 6 

Total EB Amounts	\$3
Approx. Cost of Compliance	\$5,000

\*Capped at the Total EB \$ Amount

### SUM OF SUBTOTALS 1-7

Final Subtotal 

### OTHER FACTORS AS JUSTICE MAY REQUIRE

Adjustment 

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount 

### STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty 

### DEFERRAL

Reduction

Adjustment 

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral is recommended for Findings Orders.

### PAYABLE PENALTY

Screening Date 3-Oct-2007

Docket No. 2007-1644-WQ-E

PCW

Respondent City of Plano

Policy Revision 2 (September 2002)

Case ID No. 34760

PCW Revision September 19, 2007

Reg. Ent. Reference No. RN103099156

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

No previous compliance history.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 0%

<b>Screening Date</b> 3-Oct-2007 <b>Respondent</b> City of Plano <b>Case ID No.</b> 34760 <b>Reg. Ent. Reference No.</b> RN103099156 <b>Media [Statute]</b> Water Quality <b>Enf. Coordinator</b> Cheryl Thompson <b>Violation Number</b> <input type="text" value="1"/>	<b>Docket No.</b> 2007-1644-WQ-E <b>PCW</b> <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision September 19, 2007</i>																								
<b>Rule Cite(s)</b> <input style="width: 100%;" type="text" value="Tex. Water Code § 26.121(a)(1)"/>																									
<b>Violation Description</b> <input style="width: 100%;" type="text" value="Failed to prevent the unauthorized discharge of sewage into or adjacent to waters in the state, as documented during an investigation conducted on August 10, 2007. Specifically, on August 9, 2007 a break in a temporary bypass line caused a sewage discharge of approximately 750,000 to 1,000,000 gallons into Prairie Creek. Approximately 6,800 dead fish were documented."/>																									
<b>Base Penalty</b> <input style="width: 100%;" type="text" value="\$10,000"/>																									
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																									
OR	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;"></th> <th style="width: 10%; text-align: center;">Major</th> <th style="width: 10%; text-align: center;">Moderate</th> <th style="width: 10%; text-align: center;">Minor</th> <th style="width: 10%;"></th> </tr> </thead> <tbody> <tr> <td><b>Release</b></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Actual</td> <td style="text-align: center;">x</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Potential</td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table> <div style="display: flex; justify-content: flex-end; margin-top: 5px;"> <b>Percent</b> <input style="width: 50px;" type="text" value="50%"/> </div>		Major	Moderate	Minor		<b>Release</b>					Actual	x				Potential								
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<b>&gt;&gt; Programmatic Matrix</b>																									
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	Major	Moderate	Minor																						
Falsification																									
Matrix Notes	<input style="width: 100%;" type="text" value="Human health or the environment has been exposed to pollutants which exceed protective levels as a result of this violation."/>																								
<b>Adjustment</b> <input style="width: 100%;" type="text" value="\$5,000"/>																									
<input style="width: 100%;" type="text" value="\$5,000"/>																									
<b>Violation Events</b>																									
<div style="display: flex; justify-content: space-between;"> <div> <b>Number of Violation Events</b> <input style="width: 50px;" type="text" value="4"/> </div> <div> <input style="width: 50px;" type="text" value="4"/> <b>Number of violation days</b> </div> </div> <div style="margin-top: 10px;"> <table border="1" style="width: 100%; border-collapse: collapse;"> <tbody> <tr> <td style="width: 10%;"></td> <td style="width: 10%; text-align: center;">daily</td> <td style="width: 10%; text-align: center;">x</td> <td style="width: 10%;"></td> </tr> <tr> <td></td> <td style="text-align: center;">monthly</td> <td></td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">quarterly</td> <td></td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">semiannual</td> <td></td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">annual</td> <td></td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">single event</td> <td></td> <td></td> </tr> </tbody> </table> <div style="display: flex; justify-content: flex-end; margin-top: 10px;"> <b>Violation Base Penalty</b> <input style="width: 100%;" type="text" value="\$20,000"/> </div> </div>			daily	x			monthly				quarterly				semiannual				annual				single event		
	daily	x																							
	monthly																								
	quarterly																								
	semiannual																								
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	single event																								
<input style="width: 100%;" type="text" value="Four daily events are recommended from the date the discharge began on August 9, 2007 through the date of compliance on August 13, 2007."/>																									
<b>Economic Benefit (EB) for this violation</b>																									
<b>Statutory Limit Test</b>																									
<b>Estimated EB Amount</b> <input style="width: 100%;" type="text" value="\$3"/>	<b>Violation Final Penalty Total</b> <input style="width: 100%;" type="text" value="\$15,000"/>																								
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input style="width: 100%;" type="text" value="\$15,000"/>																									

**Economic Benefit Worksheet**

**Respondent** City of Plano  
**Case ID No.** 34760  
**Reg. Ent. Reference No.** RN103099156  
**Media** Water Quality  
**Violation No.** 1

**Percent Interest** 5.0  
**Years of Depreciation** 15

**Item Cost** **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**  
**Item Description** No commas or \$

**Delayed Costs**

Equipment			0.0	\$0	\$0	\$0
Buildings			0.0	\$0	\$0	\$0
Other (as needed)			0.0	\$0	\$0	\$0
Engineering/construction			0.0	\$0	\$0	\$0
Land			0.0	\$0	n/a	\$0
Record Keeping System			0.0	\$0	n/a	\$0
Training/Sampling			0.0	\$0	n/a	\$0
Remediation/Disposal			0.0	\$0	n/a	\$0
Permit Costs			0.0	\$0	n/a	\$0
Other (as needed)	\$5,000	9-Aug-2007	13-Aug-2007	0.0	\$3	\$3

Notes for DELAYED costs

Estimated cost to clean/disinfect the affected area. Date required is the date the discharge began. Final date is the date of compliance.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal			0.0	\$0	\$0	\$0
Personnel			0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling			0.0	\$0	\$0	\$0
Supplies/equipment			0.0	\$0	\$0	\$0
Financial Assurance [2]			0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]			0.0	\$0	\$0	\$0
Other (as needed)			0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$3

# Compliance History

Customer/Respondent/Owner-Operator:	CN600352488	City of Plano	Classification: AVERAGE	Rating: 2.90
Regulated Entity:	RN103099156	CITY OF PLANO	Classification: HIGH	Site Rating: 0.00
ID Number(s):	UTILITIES	REGISTRATION	20070	
Location:	CIRCLEVIEW COURT SANITARY SEWER OVERFLOW			
TCEQ Region:	REGION 04 - DFW METROPLEX			
Date Compliance History Prepared:	October 16, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	October 16, 2002 to October 16, 2007			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Cheryl Thompson	Phone:	(817)588-5886	

## Site Compliance History Components

- |  |     |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period?    | No  |
| 3. If Yes, who is the current owner?   | N/A |
| 4. If Yes, who was/were the prior owner(s)?  | N/A |
| 5. When did the change(s) in ownership occur?  | N/A |

## Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.  
N/A
- B. Any criminal convictions of the state of Texas and the federal government.  
N/A
- C. Chronic excessive emissions events.  
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- |   |            |          |
|---|------------|----------|
| 1 | 03/28/2007 | (554306) |
| 2 | 07/27/2007 | (568620) |
| 3 | 09/28/2007 | (573455) |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- F. Environmental audits.  
N/A
- G. Type of environmental management systems (EMSs).  
N/A
- H. Voluntary on-site compliance assessment dates.  
N/A
- I. Participation in a voluntary pollution reduction program.  
N/A
- J. Early compliance.  
N/A
- Sites Outside of Texas  
N/A





# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CITY OF PLANO  
RN103099156**

§  
§  
§  
§  
§

**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2007-1644-WQ-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Plano ("the City") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the City presented this agreement to the Commission.

The City understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the City agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the City.

The Commission makes the following Findings of Fact and Conclusions of Law:

### **I. FINDINGS OF FACT**

1. The City owns and operates a collection system located at the intersection of Independence Parkway and Plano Parkway in Plano, Collin County, Texas (the "Facility").



2. The City has discharged sewage into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. During an investigation on August 10, 2007, TCEQ staff documented that the City failed to prevent the unauthorized discharge of sewage into or adjacent to waters in the state. Specifically, on August 9, 2007 a break in a temporary bypass line caused a sewage discharge of approximately 750,000 to 1,000,000 gallons into Prairie Creek. Approximately 6,800 dead fish were documented.
4. The City received notice of the violations on October 3, 2007.
5. The Executive Director recognizes that by August 13, 2007, Miller Pipeline (the City's contracted company) repaired the break in the bypass line, collected all of the dead fish, pumped the Renner Road pond, drained affected areas of Prairie Creek and pumped it into a collection system manhole. Additionally, Renner Road pond was filled with dechlorinated water and aerated.

## **II. CONCLUSIONS OF LAW**

1. The City is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the City failed to prevent the unauthorized discharge of sewage into water in the state, in violation of TEX. WATER CODE § 26.121(a)(1).
3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the City for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of Fifteen Thousand Dollars (\$15,000) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The City has paid the Fifteen Thousand Dollar (\$15,000) administrative penalty.

## **III. ORDERING PROVISIONS**

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The City is assessed an administrative penalty in the amount of Fifteen Thousand Dollars (\$15,000) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here.



Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Plano, Docket No. 2007-1644-WQ-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088


2. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
3. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the City if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
4. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
5. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
6. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
7. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.



## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director

3110/2008  
\_\_\_\_\_  
Date

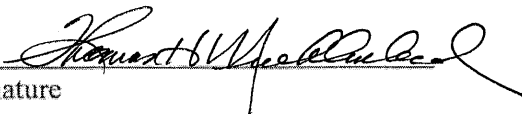
I, the undersigned, have read and understand the attached Agreed Order in the matter of the City of Plano. I am authorized to agree to the attached Agreed Order on behalf of the City of Plano, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, the City of Plano waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
\_\_\_\_\_  
Signature

12/20/07  
\_\_\_\_\_  
Date

**Thomas H. Muehlenbeck**

**City Manager**

\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
City of Plano

\_\_\_\_\_  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

